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TAGS: [PREL](#) [PGOV](#) [KCRM](#) [RW](#)
SUBJECT: THE WAGES OF (GENOCIDE) SIN IN RWANDA -- YOUR CASE
WILL BE HEARD

REF: 08 KIGALI 279

Classified By: Ambassador Symington for reasons 1.4 (b) (d)

¶1. (C) Summary. Over the past several months, as the National Gacaca Service closes out its million-plus caseload, politically sensitive cases are being heard. Senior Hutu officials in Parliament, in the executive branch and in the military are finally facing their accusers. Conviction, acquittal, and fleeing judgment are the three possible results, with prominent examples of each in recent days. Some observers have long held that the ruling Rwanda Patriotic Front (RPF) has purposefully raised compromised Hutu politicians to senior posts, ostensibly empowering them, while happy to see them politically weakened as rumors circulated of their past misdeeds. Others appear to have had their misdeeds overlooked, as they worked with the RPF to rebuild Rwanda. We see no particular pattern in these recent gacaca court hearings, or sense that any political calculation has been made to dispense with (or continue to support) certain Hutu officials. Rather, a final judicial reckoning is underway, a requirement that those accused of terrible crimes, no matter how senior, must answer in gacaca courts. End Summary.

¶2. (C) In the last several months, several prominent Hutu politicians and military officers have appeared before community based "gacaca" courts to answer charges of participation in the 1994 genocide. Several have fled the country in advance of judgment, including the former Speaker of the Chamber of Deputies, Alfred Mukezamfura, and Senator Stanley Safari, President of the Solidarity and Progress Party (PSP). Some have been convicted and sentenced to long prison terms -- two former members of the Chamber of Deputies, Beatrice Nirere and Elizee Bisengimana, are now in jail after trial and conviction. Two prominent military officers, one retired and one presently serving, have also appeared before gacaca courts. Retired Colonel Aloys Nsekaliye, a minister under President Habyarimana, was recently found not guilty by a gacaca court. General Paul Rwarakabije, formerly the Chief of Operations for the Democratic Forces for the Liberation of Rwanda (FDLR) in the eastern Congo, and now a prominent official of the Demobilization and Reintegration Commission (and thus the most prominent defector from the remains of the genocidal forces still holding out in the Democratic Republic of the Congo -- the DRC) has appeared several times before a local gacaca court. Several attendees at his trial have told us that many witnesses have appeared on his behalf. A senior

official of the national gacaca service told pol/econ counselor July 6 that "almost no evidence exists against him," and his acquittal is virtually assured.

13. (C) The merits of the individual accusations in these various cases are not easy for outsiders to judge. The due process limitations of the gacaca process have been known for some time -- hearsay evidence is accepted, and the thousands of gacaca judges are ordinary citizens with no training in the law or criminal procedure. These limitations notwithstanding, in the overwhelming majority of cases, real killers and pillagers confessed to real crimes, and received sentences commensurate with their levels of individual responsibility and willingness to acknowledge their guilt. (Note: those who confessed received significantly lesser sentences under gacaca sentencing guidelines). There has been a fair amount of personal score-settling in the gacaca courts that has nothing to do with ethnic hatreds or participation in the genocide. As we reported a year ago (reftel), one gacaca sector court president spent enormous amounts of time sifting through false accusations, in which embittered survivors and the worst of the Hutu killers in effect conspired to bring down as many innocent people as possible. This court president said her court had done its work and dismissed the false claims -- the question remains, however, did the 415 other sector court presidents perform similarly?

14. (C) There has long been the suggestion, often heard from members of other political parties, that the RPF after the genocide consciously promoted or supported senior Hutu officials dogged by rumors of genocide crimes. It sometimes did so from political and/or military necessity. Boniface Rucagu, until recently a long-serving governor in the northwest region of Rwanda, has often been rumored to have genocide crimes in his past. His key efforts in helping quell the vicious late-1990s insurgency and to maintain social peace afterwards may have been deemed too important to undermine with court proceedings. Beatrice Nirere was a prominent Habyarimana-era hardliner in the northern town of Byumba before the genocide. After the genocide, she moved to Kigali, worked with the RPF, rose in the ranks, and ultimately secured a seat in Parliament. With the RPF anxious to find Hutu officials willing to work with it and rebuild Rwanda, her past behavior may have been overlooked. Sometimes, the RPF is accused of engaging in cynical political maneuvers. The frequent rumors of genocide crimes by the former Speaker, Alfred Mukezamfura, were often held up by members of other parties as a prime example of RPF perfidiousness. As the leader of a political party, the PDC, and holding the third highest position in the country (and the highest-ranking Hutu), he had the potential to wield considerable authority -- authority undercut, these observers claimed, by a drumbeat of rumor and innuendo. Beatrice Nirere was finally required to meet her accusers in gacaca court and as noted is now in prison. Rucagu has never done so, appearing only as a witness in a number of proceedings. Mukezamfura ostensibly left Rwanda for medical treatment at the time his gacaca case was called, and by most accounts he will not return any time soon.

15. (C) National Gacaca Service officials do not admit there has been any special effort at the national level to postpone controversial or high-profile cases. The actions of several thousand gacaca courts around the country, to hear or to postpone particular cases, would necessarily come to light as the gacaca service conducts its final nationwide review of the entire caseload, an effort now underway for the last several months. Any lingering cases of national interest would finally be heard (Note: some prominent Hutus did have their cases heard in years past, including Generals Bizimungu and Munyakazi). Instructions have gone out to all gacaca courts to accept no new cases after July 31 (the national review has resulted in several thousand new accusations coming to light). For those returning from exile abroad, particularly those who served with the FDLR in the forests of eastern Congo, their behavior while living outside Rwanda since the genocide is entirely excused. Even crimes or

abuses committed inside Rwanda, for example by those based in the Kivus during the insurgency, are forgotten. But crimes during the 1994 genocide are treated differently.

16. (C) Comment. The government has long held that any and all accusations of genocide crimes would be heard by either gacaca courts, in the vast majority of cases, or in the regular courts for particularly heinous offenses. Reconciliation and the rebuilding of Rwanda have always been seen by the government as requiring an accounting for genocide crimes. Prominent officials, in Parliament, in the military, or elsewhere in the government, whose cases for whatever reason had yet to be heard, are finally facing their accusers. The wages of genocide sin in Rwanda is a gacaca hearing, and some accounting for one's actions fifteen years ago. End comment.
SYMINGTON